IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.931 of 2007
In
Criminal Appeal No.758 of 2007

Rajesh Balkirhsna Pille. .. .. Applicant
v/s.
State of Maharashtra .. .. Respondent

Ms.Nitu Sanadhya i/by Ms.Rebecca Gonsalves for Applicant.

Mr.A.R. Patil, APP for Respondent- State.

CORAM : DR.S. RADHAKRISHNAN &
SMT.ROSHAN DALVI, JJ.

Dated : 16th August, 2007

P.C. :

1. Heard the learned Counsel for the Applicant and the learned Additional Public Prosecutor for the Respondent-State.

2. In the above matter, the Applicant-Appellant was convicted under Sections 302, 324, 506(ii) read with 34 of Indian Penal Code. There is a delay of 5 years and 79 days in filing the above Appeal. It appears that the Applicant has been in custody since 2001. He handed over a certified copy of the

judgment to another Advocate to file an Appeal. The Advocate has not filed the Appeal. He was under the bona fide impression that the Appeal was already filed. Now, having come to know that the Appeal has not been filed, the Applicant has approached this Court.

3. For the reasons stated in the Application, sufficient cause is made out for condonation of delay. There is no case of inaction, negligence or want of bona fide on the part of the Applicant. Hence, the delay in filing the above Appeal is condoned. The Application is made absolute in terms of prayer clause (b). The Application stands disposed of accordingly.

(DR.S. RADHAKRISHNAN, J.)

(ROSHAN DALVI, J.)